

wherein the transfer image is not a fingerprint or fingerprints; and  
scanning the transfer image with an optical image scanner to obtain scanned  
image data for an image representative of at least one characteristic of  
the external body portion, and/or  
at least one product applied to the external body portion,  
wherein the scanner is configured in the form of a scanner for scanning  
documents.

### **REMARKS**

As an initial matter, Applicants would like to extend their appreciation to the Examiner and her supervisor for the kind courtesy extended to Susanne Jones and the undersigned during the recent interview at the U.S. Patent and Trademark Office and subsequent telephone conversation. The following remarks address issues discussed during the interview.

Applicants have amended claim 1 to incorporate language discussed during the interview as well as additional language better defining the subject matter claimed therein. Applicants have also amended claim 21 to ensure consistency with revised claim 1. In addition, Applicants have added new claim 63.

In the final Office Action, the prior claim rejections under 35 U.S.C. §§ 102 and 103 were maintained. In particular, claims 1, 12, 14-16, 21, 22, 25-27, 30-32, and 50-54 were rejected under "35 U.S.C. § 102(a or e)" based on U.S. Patent 6,178,255 to Scott et al. ("Scott et al."); claims 1-3, 9-26, 30-40, 43-46, and 49-59 were rejected under 35 U.S.C. § 103(a) based on U.S. Patent 6,241,668 to Herzog ("Herzog"); and claims 1-10,

12, 14-16, 18, 27-30, 38-43, 46-50, and 60-62 were rejected under 35 U.S.C. § 103(a) based on U.S. Patent 5,785,960 to Rigg et al. ("Rigg et al.").

As discussed, during the interview, the claim rejections based on Scott et al., Herzog, and Rigg et al. should be withdrawn because the cited references lack any teaching or suggestion of the subject matter set forth in amended claim 1. In particular, Scott et al., Herzog, and Rigg et al. do not disclose or suggest a process, as recited in amended claim 1, including, among other aspects, "placing a transfer member in contact with an external portion of an individual so as to obtain a transfer image on the transfer member, wherein the transfer image is present on the transfer member after the transfer member and the external portion are out of contact with one another, . . . and scanning the transfer image."

Scott et al. discloses a scanner for acquiring an optical image of fingerprints. Col. 2, lines 8-10. This reference discloses directly scanning one or more fingers placed in contact with a platen 72. Col. 4, line 39, through col. 5, line 6. As discussed during the interview, there is no disclosure or suggestion of a transfer image that "is present on the transfer member after the transfer member and the external portion are out of contact with one another," as now recited in claim 1.

Herzog discloses a medical system architecture including modalities 1-4, such as a computed tomography (CT) unit 1, a magnetic resonance imaging (MRI) unit 2, a digital subtraction angiography (DSA) unit 3, and an X-ray unit 4, for acquiring medical images. Col. 2, lines 20-26. The system also includes a "scanner 16" used to scan "[a]dditional documents, reports, graphics and/or films." Col. 3, lines 32-34. Nowhere in

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Herzog is there any suggestion or motivation of “placing . . . so as to obtain a transfer image” on a transfer member and “scanning the transfer image.”

Rigg et al. discloses a method and system for customizing dermatological foundation products. In the method, a device for measuring skin coloration is placed in proximity to a customer’s skin in order to obtain a measurement of the customer’s skin coloration. Col. 2, lines 16-18 and 50-53. Similar to Herzog, Rigg et al. lacks any teaching or suggestion of “placing . . . so as to obtain a transfer image” on a transfer member, and “scanning the transfer image,” as recited in claim 1.

As agreed during the interview, the rejections under “35 U.S.C. § 102(a or e)” and 35 U.S.C. § 103(a) should be withdrawn.

Subsequent to the interview, the Examiner called the undersigned and identified additional references located in a further search. In that phone conversation, she identified the following references: U.S. Patent No. 4,788,593 to Ovshinsky et al. (“Ovshinsky”), U.S. Patent No. 5,549,476 to Stern (“Stern”), U.S. Patent No. 6,217,334 to Hultgren (“Hultgren”), and U.S. Patent No. 6,318,994 to Chishti et al. (“Chishti”). (Since the Examiner brought those references to the attention of the undersigned, Applicants presume the Examiner will complete a Form PTO 892 listing those references.) Applicants submit that the pending claims are allowable over the references identified by the Examiner.

Ovshinsky at col. 8, lines 46-62, discloses a fingerprint scanning arrangement where an image sensing system is used to “scan” a “fingerprint image.” That reference does not disclose or suggest a transfer image that “is not a fingerprint or fingerprints,” as set forth in amended claim 1.

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Stern, Hultgren, and Chishti appear to disclose methods relating to diagnosis and/or treatment of teeth, wherein a moldable material is used to form an impression of teeth and the resulting dental impression is scanned using a special scanner arranged to provide three-dimensional scanning of objects. Those references lack disclosure or suggestion of a transfer member being placed in contact with an external portion that "does not include a tooth or teeth," as recited in amended claim 1.

Regarding new claim 63, that claim should be allowable over Ovshinsky for at least the reason discussed above in connection with claim 1. New claim 63 should be allowable over Stern, Hultgren, and Chishti because none of those references discloses or suggests that a transfer image is scanned using a scanner "configured in the form of a scanner for scanning documents."

As noted in the Amendment filed on November 14, 2002, the claim rejections contain numerous conclusory assertions about certain subject matter being disclosed. Applicants do not understand the basis for many of the Examiner's assertions because the Office Action lacks any explanation of how the cited references allegedly disclose such subject matter. If the Examiner insists on maintaining any of the claim rejections, Applicants respectfully request that the Examiner set forth a detailed explanation of the basis for all of the assertions contained in the claim rejection statements.

Applicants respectfully request that the Examiner reconsider the application, enter this amendment after final, withdraw the claim rejections, and issue a Notice of Allowability in a timely manner.

If a telephone conversation might advance prosecution of the present application, the Examiner is invited to contact the undersigned (571-203-2774).

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Applicants note that the Office Action contains numerous assertions regarding the pending claims, Applicants' invention, the present specification, the cited references, purported inventions of the cited references, and alleged "well-known" information, for example. Applicants respectfully disagree with a number of those assertions and decline to automatically subscribe to any of them, regardless of whether they are specifically addressed above.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: May 15, 2003

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## **APPENDIX**

The following shows changes to the claims as a result of the Amendment After Final.

### **IN THE CLAIMS:**

1. (Amended) A process for acquiring scanned image data relating to an external body portion and/or a product applied to the external body portion, the process comprising:

placing a transfer member in contact with an external portion of an individual so as to obtain a transfer image on the transfer member,

wherein the transfer image is present on the transfer member after the transfer member and the external portion are out of contact with one another,

wherein the transfer image is not a fingerprint or fingerprints, and

wherein the external portion that the transfer member is placed in contact with does not include a tooth or teeth; and

scanning the transfer image with an optical image scanner to obtain scanned image data for an image representative of at least one characteristic of

the external body portion, and/or

at least one product applied to the external body portion.

21. (Amended) The process of claim 1, wherein the external portion includes at least one of the skin of the individual, at least one strand of hair of the individual, at least one fingernail of the individual, and at least one toe nail of the individual [, and at least one tooth of the individual].

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